

Updated **DRAFT** implementation schedule for OWQ General Permits Project
March 1, 2012

This schedule contains the tasks associated with the conversion of Indiana's General Permits from permits issued by rule to permits issued through normal administrative processes through IDEM. The schedule for issuing the specific General Permit categories is approximate and dependent on the General Permit rulemaking process. General Permits cannot be considered effective until changes to the Indiana Rules are effective.

Tasks completed

Senate Enrolled Act 200 (P.L. 81-2011), Effective July 1, 2011. Update of Indiana statutes to allow for passage of general permit rules to implement administrative issuance of general NPDES permits.*

First Notice of Rulemaking: Published in the Indiana Register on October 27, 2010.

Continuation of First Notice: Published in the Indiana Register on September 7, 2011.

Outreach meetings with various stakeholders and interested parties throughout 2010 and 2011. Outreach meetings will continue on both the rulemaking and the specific general permits within the timeframes outlined in this document.

Ongoing activities

I. Second Notice of Rulemaking including draft language

The second notice of rulemaking will include all draft changes to 327 IAC to eliminate general permit by rule requirements and update references throughout articles 5 and 15 of Title 327. The rulemaking will also include updating of incorporation by reference of several CFR citations and other authority issues identified by EPA in June 2011 letter Region 5.

- Internal rule review meetings: February 13, 2012; February 24, 2012; March 9, 2012. Additional internal meetings will be scheduled as necessary.

Projected LSA publication date of second notice and draft rules: **March 28, 2012**

- Thirty day written public comment period
- Respond to comments and prepare draft rule for preliminary adoption

Projected date for preliminary adoption: **June 13, 2012**

- Publication of preliminarily adopted rule in Indiana Register
- Third written public comment period
- Respond to comments from first hearing and third comment period and prepare rule for final adoption

Projected date for final adoption: **November 14, 2012**

- Promulgation process takes approximately 90 days
- Rule becomes effective on date certain or 30 days after filing with Legislative Services

Projected effective date of rules: **March 30, 2013**

II. Development of Draft NPDES General Permits

- Internal meetings: February 13, 2012; February 24, 2012; March 9, 2012. Additional internal meetings will be scheduled as necessary.
- **NOTE:** New NPDES general permits may not take effect until **after the effective date** of the rules required to implement the change—approximately **4/1/13***.

Draft schedule of General Permit and Notice of Intent document development

1. Hydrostatic Testing

- Draft GP to EPA for review: April 1, 2012
- EPA Non-objection letter: June 1, 2012
- Outreach meeting: July 1, 2012
- Public Notice of GP: August 1, 2012

2. Non-contact Cooling Water

- Draft GP to EPA for review: April 1, 2012
- EPA Non-objection letter: June 1, 2012
- Outreach meeting: July 1, 2012
- Public Notice of GP: August 1, 2012

3. Sand and Gravel Operations

- Draft GP to EPA for review: June 1, 2012
- EPA Non-objection letter: August 1, 2012
- Outreach meeting: September 1, 2012
- Public Notice of GP: October 1, 2012

4. Petroleum Product Terminals

- Draft GP to EPA for review: August 1, 2012
- EPA Non-objection letter: October 1, 2012
- Outreach meeting: November 1, 2012
- Public Notice of GP: December 1, 2012

5. Groundwater Petroleum Remediation

- Draft GP to EPA for review: October 1, 2012
- EPA Non-objection letter: December 1, 2012
- Outreach meeting: January 1, 2013
- Public Notice of GP: February 1, 2013

6. Coal Mines

- Draft GP to EPA for review: February 1, 2013
- EPA Non-objection letter: April 1, 2013
- Outreach meeting: May 1, 2013
- Public Notice of GP: July 1, 2013

7. Construction Site Run-off

- Draft GP to EPA for review: April 1, 2013
- EPA Non-objection letter: June 1, 2013
- Outreach meeting: July 1, 2013
- Public Notice of GP: August 1, 2013

8. Industrial Stormwater

- Draft GP to EPA for review: June 1, 2013
- EPA Non-objection letter: August 1, 2013
- Outreach meeting: September 1, 2013
- Public Notice of GP: November 1, 2013

9. Municipal Separate Storm Sewer System (MS4)

- Draft GP to EPA for review: August 1, 2013
- EPA Non-objection letter: October 1, 2013
- Outreach meeting: November 1, 2013
- Public Notice of GP: December 1, 2013

10. Allen County On-site Systems

- Currently working with Allen County officials to determine the universe of this unique general permit program. The schedule for completion of this general permit will be within the timeframes set out above but will be determined with the help of Allen County officials.

***IC 13-18-3-15** provides as follows:

(a) Subject to subsection (c), the board shall amend 327 IAC 5 and 327 IAC 15 to eliminate:
(1) the requirement that NPDES general permit terms and conditions be contained in a rule; and

(2) the terms and conditions of each NPDES general permit that is:

(A) contained in that article; and

(B) in effect on the effective date of this section.

(b) The department may develop and issue NPDES general permits in accordance with 40 CFR 122.28.

(c) After 327 IAC 5 and 327 IAC 15 are amended under subsection (a), the terms and conditions of an NPDES general permit under that article as they existed before the amendment remain in effect and are binding on any person regulated under the NPDES general permit until the person submits a notice of intent to be covered by an NPDES general permit developed and issued under subsection (b).

(d) Any person regulated under an NPDES general permit on the effective date of the amendment required by subsection (a) must:

(1) submit a notice of intent described in subsection (c) not later than ninety (90) days after the department makes the form of the notice of intent available to the person; or

(2) apply for an NPDES individual permit under 327 IAC 5 to maintain permit coverage required under the Clean Water Act.

(e) This section does not affect the authority of the board to adopt rules that authorize NPDES general permits.

As added by P.L.81-2011, SEC.2.